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IAP2 Rec'd PCT/PTO 29 SEP 2006

Docket No.: 3493-0179PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Bernard FREISS et al.

Application No.: NEW

Confirmation No.: N/A

Filed: September 29, 2006

Art Unit: N/A

For: INCLUSION COMPLEXES CONTAINING
PIROXICAM, A CYCLODEXTRIN AND
ARGININE

Examiner: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT (IDS)

MS PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement accompanies the new patent application submitted herewith.

Copies of the references on the PTO/SB/08 are not provided.

A concise explanation of relevance of the items listed on form PTO/SB/08 is in the form of an English language copy of a Search Report from a foreign patent office, issued in a counterpart application, which refers to the relevant portions of the references.

Application No.: NEW

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Those documents which are marked with a double asterisk (**) next to the Cite No. in the attached form PTO/SB/08 (facsimile) are not supplied because they were previously cited by or submitted to the Office in a prior application number PCT/FR2005/000739 file March 29, 2005.

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 29, 2006

Respectfully submitted,

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PTO/SB/08a/b (07-06)

Approved for use through 09/30/2006. OMB 0651-0031
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| Substitute for form 1449A/B/PTO | | | | Complete if Known | |
| | | | | Application Number | NEW |
| | | | | Filing Date | September 29, 2006 |
| | | | | First Named Inventor | Bernard FREISS |
| | | | | Art Unit | N/A |
| | | | | Examiner Name | Not Yet Assigned |
| Sheet | 1 | of | 1 | Attorney Docket Number | 3493-0179PUS1 |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|-----------------------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Number-Kind Code ² (if known) | | | |
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| FOREIGN PATENT DOCUMENTS | | | | | |
|--------------------------|-----------------------|---|--------------------------------|--|--|
| Examiner Initials* | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | |
| /J.L./BA** | WO-02/089851 | | 11-14-2002 | | ISR |
| ↓ BB** | WO-03/043604-A | | 05-30-2003 | | ISR |
| ↓ BC** | WO-03/105906-A | | 12-24-2003 | | ISR |
| ↓ BD** | WO-2004/096284-A | | 11-11-2004 | | ISR |
| /J.L./BE** | WO-2005/112637-A | | 12-01-2005 | | ISR |

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| NON PATENT LITERATURE DOCUMENTS | | | | | |
|---------------------------------|---|---|--|--|----------------|
| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | | | T ² |
| /J.L./CA** | HEES VAN T et al., Journal of Inclusion Phenomena and Macroyclic Chemistry, Kluwer, Dordrecht, NL. vol. 44, 2002, pages 271-274 | | | | ISR |
| ↓ CB** | HEES VAN T et al., Pharmacological Research, Academic Press, London, GB. vol. 16, no. 12, 1999, pages 1864-1870 | | | | ISR |
| ↓ CC** | KAMIHIRA M et al., Journal of Fermentation and Bioengineering, Society of Fermentation Technology, JP, vol. 69, no. 6, 1990, pages 350-353 | | | | ISR |
| ↓ CD** | MURA P. et al., International Journal of Pharmaceutics, vol. 260 2003, pages 293-302 | | | | ISR |
| ↓ CE** | Derwent Publications Ltd., London, BG; An 1993-098122XP002375837, LEE S.: "process for preparing stabilized injectable pyroxicam composition' & KR 9 206 911 B ((Shin-N) Shin Poong Pharm Co), 22 August 1992 | | | | ISR |
| ↓ CF** | HEES VAN T et al., Journal De Pharmacie De Belgique, Masson Paris, FR, vol. 55, no. 1, January 2000, pages 30-31 | | | | ISR |
| /J.L./CG** | RODIER E. et al., European Journal of Pharmaceutical Science, vol. 26, 2005, pages 184-193 | | | | ISR |

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|--------------------|----------------|-----------------|------------|
| Examiner Signature | /Jonathan Lau/ | Date Considered | 04/04/2008 |
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